

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MICHAEL AMARAL,

Plaintiff

PENN MARITIME, INC.,

Defendant

CIVIL ACTION

NO.: 04-11778 GAO

**DEFENDANT, PENN MARITIME, INC.'S MOTION  
TO CONTINUE PRETRIAL CONFERENCE AND TRIAL**

Defendant, Penn Maritime, Inc., hereby moves this Honorable Court to continue the Final Pre-trial conference and trial of this action to a date after February 23, 2006.

Presently, the dates and times established by the Court at the July 11, 2005

Scheduling Conference for the pretrial conference and the trial are:

- a. Final Pretrial Conference set for November 3, 2005 at 02:00 PM in Courtroom 9; and
- b. Jury Trial set for November 14, 2005 at 9:00 AM in Courtroom 9.

The reason for the request is that Penn Maritime is the defendant in a case captioned *Falconer v. Penn Maritime, Inc.*, Civil No. 1:05-cv-00042-JAW, trial of which is scheduled to begin on November 1, 2005, and continue for at least three weeks in Bangor, Maine. Penn Maritime is represented by Messrs. Kenney, Stearns and Zonghetti in that matter, and Mr. Zonghetti, who is lead counsel for Penn Maritime in this case, will be assisting in the prosecution of that trial.

Penn Maritime has not requested any continuances of this matter previously, and does not expect to do so again. Counsel have consulted and request that the matter be

continued for pretrial conference and trial on dates after February 23, 2006.

John D. Sutherland, Esq., counsel for the Plaintiff in this action has no objection to this request.

WHEREFORE, Penn Maritime respectfully requests that the final pre-trial conference and trial of this case be continued until a date after February 23, 2006.

Respectfully submitted,

PENN MARITIME, INC.

By its attorney,

/s/ Timothy R. McHugh

Timothy R. McHugh

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Assented to:

MICHAEL AMARAL

By his attorney,

/s/ John E. Sutherland

John E. Sutherland, Esq.

B.B.O. No. 488960

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**CERTIFICATE OF SERVICE**

I, Timothy R. McHugh, attorney for the Defendant, do hereby certify that on October 20, 2005, I served a copy of the within to the John E. Sutherland, Esq., counsel for the Plaintiff, by mailing a copy first class mail postage prepaid and by E-mail.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 20 DAY OF OCTOBER, 2005.

/s/ Timothy R. McHugh

Timothy R. McHugh